

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAVVAN, INC.,

Plaintiff,

-against-

AMYRIS, INC.,

Defendant.

No. 20-cv-07386 (JPO)

**STIPULATION TO STAY CASE
PENDING DECISION IN ICC
ARBITRATION**

Plaintiff Lavvan, Inc. and Defendant Amyris, Inc., by and through their attorneys of record, hereby stipulate and agree as follows:

WHEREAS, on August 22, 2020, Plaintiff filed a Request for Arbitration against Defendant before the International Chamber of Commerce asserting various claims arising out of the parties' Research, Collaboration, and Licensing Agreement.

WHEREAS, on September 10, 2020, Plaintiff filed the above captioned suit before this Court asserting patent and trade secret infringement claims against Defendant.

WHEREAS, on October 2, 2020, Defendant filed a motion to compel arbitration or, in the alternative, to dismiss for failure to state a claim, which was denied on July 26, 2021.

WHEREAS, on July 27, 2021, Defendant filed a notice of interlocutory appeal.

WHEREAS, on September 1, 2021, the Court stayed this case pending appeal.

WHEREAS, on October 6, 2022, the Court of Appeals for the Second Circuit affirmed this Court's July 26, 2021 order and remanded for further proceedings.

WHEREAS, on October 24-28, 2022, the arbitral tribunal heard the parties' dispute.

WHEREAS, on January 11, 2023, the parties submitted post-hearing briefing to the arbitral tribunal.

WHEREAS, on January 18, 2023, the Court lifted the stay in this case.

WHEREAS, the claims and issues currently pending before the arbitral tribunal may have bearing on disposition of the above captioned suit.

WHEREAS, the parties submitted status updates on February 1 and 2, 2023 regarding their efforts to negotiate a potential stay of these proceedings pending the forthcoming decision of the arbitral tribunal.

WHEREAS, on February 9, 2023, the Court directed the parties to continue their discussions regarding further proceedings in this case.

WHEREAS, based on Defendant's representations concerning the ownership and control of certain intellectual property, Plaintiff has consented to the entry of a stay on the terms set forth below.

NOW, THEREFORE, Plaintiff and Defendant hereby stipulate and agree to stay this action for the shorter of (i) 5 business days after the arbitral tribunal issues the award, or (ii) 120 days, without prejudice to a potential further extension on agreement or application.

Dated: February 15, 2023

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Michael D. Celio
Michael D. Celio

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Attorney for Defendant

Dated: February 15, 2023

CYRULNIK FATTARUSO LLP

By: /s/ Ian M. Dumain
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Attorney for Plaintiff

SIGNATURE CERTIFICATION

Pursuant to Section 8.5 of the Electronic Case Filing Rules & Instructions, I hereby certify that the content of this document is acceptable to the above listed counsel, and that I have obtained consent to affix all electronic signatures to this document.

Dated: February 15, 2023

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Michael D. Celio
Michael D. Celio